IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CRIMINAL CONTEMPT PETITION NO. 2 OF 2004

IN

SUIT NO. 58 OF 2003

Jaymal Sharadkumar Bodaji & Anr. ... Petitioners
(Orig. Plaintifs)

Versus

State of Maharashtra & ors. ...Respondents
(Orig. Defendants)

And

Anoop V. Bodaji ... Contemnor

Mr. D.D.Madon with Ms. Jyoti Ghag i/b. Thakore Jariwala & Associates for petitioners.
Mr. Pradeep Jadhav, AGP, for respondent No.1.
Ms. Rajani Iyer i/b. Vigil Juris for

CORAM: D.K.DESHMUKH &
J.H.BHATIA,JJ.
DATE : 21st August, 2007.

P.C.

1. We have heard learned Counsel for both the sids.

2. Now the respondent No.2 admits that the statement that he had made about he not being aware of the Will of Shakuntala was an incorrect statement. It is true that the respondent No.2 should have been more careful while making statement before the Court. However, as the respondent No.2 has tendered an unconditional apology and as it is common ground that by making that incorrect statement,he has not gained any advantage to which otherwise he is entitled to and also as the respondent No.2 is willing to pay Rs.10,000/- as costs to the Legal Services Authority, in our opinion, the following order would meet the ends of justice :-

(i) The unconditional apology tendered by the respondent No.2 is accepted. The proceedings are dropped.

(ii) The respondent No.2 is directed to produce the receipt of his having paid the amount of Rs.10,000/- as costs to the Legal Services Authority before the Prothonotary & Senior Master within two weeks from today.

(iii) The respondent No.2 shall be at liberty to withdraw the amount of Rs.10,000/- deposited by

him with the Sheriff of Mumbai because of the bailable warrant issued against him.

The Contempt Petition is disposed of.

(iv) The Show Cause Notice No.1206 of 2004 is discharged.

(v) The Warrant issued against the respondent No.2 stands cancelled.

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(D.K.DESHMUKH,J.)

(J.H.BHATIA,J.)